IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1792 OF 2007
IN
SUIT NO.3249 OF 1991

Hindustan Petroleum Corp. ..Plaintiffs.

V/s.

M/s. Sopariwala Joglekar & Noor & Ors. ..Defendants.

Ms. Aarti Jumani i/b. Rustamji & Ginawala for Plaintiffs.

Mr.R.Y.Sirsikar for defendant(BMC).

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 21, 2007.

P.C. :

1. This Motion is vehemently opposed by the Counsel for the Plaintiffs. Even though I am in agreement with the argument canvassed on behalf of the Plaintiffs that no sufficient cause has been made out for the delay of almost 17 years in filing Written Statement, in the interest of justice, as the Defendant No.1, at whose instance, request is made, being public body-Municipal Corporation, the delay is condoned, lest the matter goes exparte against the Corporation. That indulgence is however, shown on condition that the concerned officers, who were responsible for delay of 17 years shall personally pay costs quantified at Rs.7,500/-. The Corporation

shall initially pay the amount, but shall ensure that the amount of costs is recovered from the concerned officers within 6 weeks from today and compliance be reported in that behalf. In other words, the costs, shall not be borne out of the public exchequer.

2. Accordingly, Notice of Motion is made absolute in terms of prayer clause (a) on the above condition. Amount of costs be paid in Court within four weeks from today. Payment of costs is condition precedent for grant of this indulgence.

(A.M.KHANWILKAR,J)